

**Remarks/Arguments**

In the Office Action Date 23<sup>rd</sup> November 2003 the examiner has rejected the pending claims under 35 U.S.C. 112, second paragraph. We disagree. However, in order to further prosecution, and in no way acquiescing to the Examiner's arguments, expressly reserving the right to prosecute the same or similar claims, Claims 10 and 11 have been canceled, reference to the term "solvate" has been deleted, and "pharmaceutically acceptable salt" has been added.

The provisional obviousness-type double patenting rejection is noted, and a terminal disclaimer is included herein.

Applicants believe the application is in condition for allowance, which action is respectfully requested. Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 101361-1P US.

Respectfully submitted,

/James C. Mason/

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Name: James C. Mason  
Dated: April 23, 2008  
Reg. No.: 50,255  
Phone No.: 781-839-4016

Global Intellectual Property, Patents,  
AstraZeneca R&D Boston,  
35, Gatehouse Drive,  
Waltham,  
MA 02451